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## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

April 23, 2008

The Honorable Patrick J. Leahy  
Chairman  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Leahy:

We write to again respectfully suggest that you expeditiously hold hearings and Judiciary Committee votes for Judge Robert Conrad and Mr. Steve Matthews, both nominated to the severely understaffed Fourth Circuit Court of Appeals, and hold a Committee vote for Mr. Peter Keisler, nominee to the Court of Appeals for the D.C. Circuit. While we welcome the news that you and the Majority Leader have committed “to do everything [you] can” to confirm at least three more circuit court nominees before the Memorial Day recess,<sup>1</sup> we believe that, as a matter of fairness, those promised three should include Judge Conrad, Mr. Matthews, and Mr. Keisler. Failing to include those three is unfair both to these nominees, who have been pending in Committee for over 270, 220, and 660 days respectively, but also to the litigants in the Fourth Circuit who are shackled with an appellate court that is one-third vacant.

Further, we are concerned that more than a week after the Majority Leader’s commitment, a hearing for only one circuit court nominee, Justice Steven Agee of Virginia, has been scheduled. At this late date, we believe nominations hearings should include more than one circuit court nominee on the agenda. We are equally troubled that this hearing does not include Judge Conrad or Mr. Matthews who have been ready for hearings for many months longer than Justice Agee, who was just nominated on March 18, 2008. “Doing everything [you] can” surely means holding a hearing for Judge Conrad and Mr. Matthews, and in Mr. Keisler’s case, a Committee vote. While we are pleased you are moving to fill one of the five vacancies on the Fourth Circuit, the failure to include other Fourth Circuit nominees who are ready for hearings, such as Judge Conrad and Mr. Matthews, in next week’s hearing concerns us.

We are certain you are well acquainted with the professional and academic records of these outstanding judicial nominees that recommend them for confirmation and will not reiterate them here. All of their home state senators, where required, strongly support their nominations. In addition, several Members of Congress representing the states comprising the Fourth Circuit have expressed concern about the negative impact the Fourth Circuit vacancies have on the citizens of their states and the pressing need to fill these vacancies. Finally, these three nominees have been ready and waiting for hearings longer than any other circuit court nominees pending in Committee.

On April 10, 2008, we wrote you to request a hearing for Judge Conrad in the month of

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<sup>1</sup> “Senator Leahy and I are going to do everything we can to approve three circuit court judges by Memorial Day. ... Who knows, we may even get lucky and get more than that.” (CONG. REC. S3013-14 (Apr. 15, 2008) (Sen. Reid)).

April. As of the writing of this letter, we have not received a response to our request. Then, on April 15, 2008, the four senators representing North and South Carolina also wrote, respectfully urging you to schedule hearings for Judge Conrad and Mr. Matthews. To date, they have not received a response to their request. We have attached both of these letters for your reference.

Given the stellar qualifications of these three nominees, the fact that they have been ready for hearings and waiting longer than any other nominees currently pending in Committee and ready for hearings, their clear home state support, and the well articulated need to fill judicial vacancies, particularly those on the Fourth Circuit Court of Appeals, we again urge you to promptly schedule hearings and Committee votes for these three nominees so that they can be confirmed by Memorial Day. To that end we suggest the following committee schedule:

- Tuesday, April 29: Hearing for Judge Conrad and Mr. Matthews
- Thursday, May 1: Committee vote on Mr. Keisler


Thank you for your attention to this matter, and we look forward to your response to this request.

Sincerely,

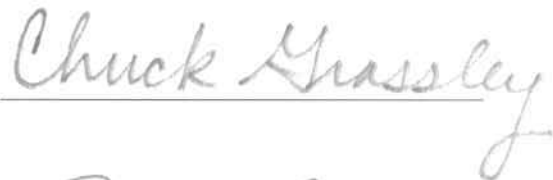
  
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